

COMMONWEALTH OF MASSACHUSETTS
UNITED STATES DISTRICT COURT

CIVIL ACTION NO.: 04-11800DPW

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| ADAM HELFAND, CARON HELFAND, |) |
| AND MITCHELL HELFAND, |) |
| Plaintiffs |) |
| |) |
| v. |) |
| |) |
| THE JOHN DEWEY ACADEMY, INC., |) |
| THOMAS BRATTER, CAROLE BRATTER, |) |
| KEN STEINER, AND GWENDOLYN |) |
| HAMPTON, |) |
| Defendants |) |

JOINT MOTION TO EXTEND DISCOVERY SCHEDULE

The parties, with the exception of defendant Gwendolyn Hampton, who has not filed an Answer, move that the discovery period in this matter be extended ninety days.

As grounds, the parties state as follows:

1. This is an action brought against John Dewey Academy, a private secondary school located in Great Barrington, Massachusetts, together with members of its administration and faculty, by a former student, Adam Helfand, and his mother and father.
2. Adam Helfand currently resides in California and his parents reside in Illinois.
3. The parties have exchanged written discovery and have scheduled some of the depositions in this case.
4. A number of factors have made scheduling the remainder of the depositions difficult, including the following:

- a. The parties have agreed to take the depositions of several of the current John Dewey Academy administrators and teachers at Great Barrington, but have encountered difficulty scheduling these depositions during the summer months;
 - b. The parties have agreed that Adam Helfand will submit to a forensic psychological examination in the Boston area. Coordination with the schedule of defendant's expert psychiatrist has been problematic, and defendants strongly prefer to have Mr. Helfand submit to the examination well in advance of his deposition;
 - c. Joseph Steinfeld, lead counsel for the defendants, at the request of his clients, will be conducting the depositions of the plaintiffs. Mr. Steinfeld is scheduled to begin a four-week trial on September 12, 2005 in the United States District Court for the District of Puerto Rico (Guillemard-Ginorio v. Contreras Gomez, Civil Action 03-CV-2317 (JAG)).
 - d. Counsel for the parties each have long-standing summer vacation plans.
5. As a result of these scheduling difficulties, counsel for the parties have not been able to schedule dates for the remaining depositions during the current discovery period.

Accordingly, the parties respectfully request that the Court extend the discovery period in this case and revise the scheduling order in this case as follows:

- a. Depositions of fact witnesses shall be completed by 12/31/05;
- b. Testifying expert witnesses as to psychological damages shall be identified by 11/30/05;

- c. Requests for admissions to be served by 12/1/05;
- d. Exchange reports of experts on the issue of psychological damages of Adam Helfand on or before 1/15/06.
- e. Plaintiff to identify expert witnesses on all other issues by 1/31/06, and provide report by 2/28/06; Defendants to identify expert witnesses by 2/28/06, and provide reports of their expert witnesses by 3/31/06.
- f. Dispositive motions to be served by 3/31/06; oppositions to dispositive motions are due 4/30/06.
- g. The pre-trial conference to be held on or about 5/15/06.

Respectfully submitted,
The Plaintiffs,
Adam Helfand, Caron Helfand, and Mitchell
Helfand,
By their attorneys,

/s/ Djuna E. Perkins
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The Defendants,
John Dewey Academy, Inc., Thomas E. Bratter,
Carole Bratter, and Ken Steiner,
By their attorneys,

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